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SUPREME COURT, U.S.
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MICHAEL RODAK, JR., CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1972

No. 72-128

WILLIAM A. STERNKOPF, JR.,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

On Petition for Writ of Certiorari to the United States Court of Appeals for the Third Circuit

REPLY BRIEF FOR PETITIONER

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The government, in one paragraph of its Memorandum in Opposition (p. 2), has done what the Court of Appeals deliberately refrained from doing in its 44 page opinion—namely, describe clearly and unambiguously the conspiracy with which petitioner was charged by the Grand Jury. As the government states, "the conspiracy" with which petitioner was charged was one to extort from *contractors* seeking to do *business with Hudson County or Jersey City.*

When this simple statement of the conspiracy charged is compared with the evidence introduced against Sternkopf, it becomes clear beyond doubt that under the unconstitutionally vague Count II the prosecutor was allowed to prove, and the jury was permitted to convict on the basis of, transactions clearly beyond the scope of "the conspiracy" charged. These transactions, which were never considered by the Grand Jury, had nothing to do with contracts with the city or county; they involved alleged bribery in connection with (a) contracts with the New York Port Authority and the New Jersey Turnpike Authority (both totally unrelated to Jersey City or Hudson County), and (b) certain gambling operations which involved no contracts of any sort.

To charge one conspiracy and to prove, under the umbrella of an unconstitutionally vague count, totally different conspiracies is to disregard all rules of fair procedure and to deprive a defendant of his right to a fair trial. Simple justice, as well as the integrity of our system of criminal procedure, demands corrective action by this Court.

Respectfully submitted,

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SEPTEMBER 8, 1972